

## DETAILED ACTION

This Office Action is responsive to the Amendment filed November 21, 2007.

The rejection of claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Itou U.S.

Pub. 2003/0150655 in view of Clingerman et al. U.S. Pub. 2005/0031922 is overcome.

The rejection of claims 8-12 under 35 U.S.C. 103(a) as being unpatentable over Itou

U.S. Pub. 2003/0150655 in view of Clingerman et al. U.S. Pub. 2005/0031922 in view of

Breed U.S. Pub. 2006/0212194 is overcome. However, claims 1-12 and 24 are newly

rejected under 35 U.S.C. 112 second paragraph. The rejections are as follows:

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 & 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term " switching over operation/stopped states of the fuel cell system" is of uncertain meaning rendering the claims vague and indefinite. This step implies that the switching state is in the operation or stopped positions. However, the following "detecting" and "communicating steps" appear to require that the stitch must be in its " stopped" state.

### ***Conclusion***

Applicant' s arguments, see page, filed November 21, 2007 have been fully considered and are persuasive. Therefore, the rejection of claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Itou U.S. Pub. 2003/0150655 in view of Clingerman

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et al. U.S. Pub. 2005/0031922 is overcome. The rejection of claims 8-12 under 35 U.S.C. 103(a) as being unpatentable over Itou U.S. Pub. 2003/0150655 in view of Clingerman et al. U.S. Pub. 2005/0031922 in view of Breed U.S. Pub. 2006/0212194 is overcome.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

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If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Patrick Ryan, may be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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